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General Comment

This comment is in response to Question GEN-1. GEN-1 states, in part "The NRC is interested in the need to provide reasonable assurance that certain long-lived passive structures and components (e.g. neutron absorbing materials, [spent fuel pool] SFP liner) are maintained and monitored during the decommissioning period while spent fuel is in the SFP. Based on the discussion above, what regulatory changes should be considered that address the performance or condition of certain long-lived, passive structure and components needed to provide reasonable assurance that they will remain capable of fulfilling their intended functions during the decommissioning period?"

Currently, the surveillance programs for monitoring the performance of neutron absorbing materials in the SFP are initiated or changed through a variety of avenues such as individual license amendments, license renewal, or the change process outlined in 10 CFR 50.59. In addition, different licensees may locate their SFP neutron absorber surveillance programs within different licensing documents, for example: license conditions, technical specifications, final analysis safety reports, or licensee-controlled aging management program (AMP) documents. There appears to be no consistent trend relating the location of a particular surveillance program to conditions in the particular SFP, such as the type of neutron absorber material, type of surveillance program, pool chemistry, or fuel assembly storage patterns. Because the location of the surveillance program determines the change process, an inconsistency in the location of a particular surveillance program presents the possibility of producing inconsistency in the change process for a surveillance program, creating the potential for some licensees to change a neutron absorber surveillance program with less NRC scrutiny than other licensees. This may result in instances where NRC is not provided with reasonable assurance that the materials are properly monitored to ensure that they are performing their intended function, or instances where reasonable assurance of monitoring diminishes, especially over the long term such as for a SFP maintained in long-term SAFSTOR.

Currently, licensees employ a variety of surveillance programs to monitor the performance of neutron absorbers in the SFP. In decommissioning rulemaking, it is impractical for staff to prescribe any particular monitoring program so long as a program meets the performance objective of providing reasonable assurance that the materials are performing its intended function. However, in their rulemaking, staff should consider applying a level of standardization to the location of the monitoring and surveillance programs in license documents to avoid inconsistencies in the change process for such programs. For example, requiring that a neutron absorber surveillance program be located in the Defueled Technical Specifications would ensure a high level of licensee compliance which is less likely to diminish over time, especially after the departure of the on-site Resident Inspector. Inclusion of surveillance requirements in Technical Specifications is permitted under 50.36(c)(3) and 50.36(c)(6). Such standardization will provide staff with the reasonable assurance, equally among ALL licensees which enter decommissioning, that SFP neutron absorber surveillance programs will be maintained at a level which provides to NRC staff reasonable assurance of safety.